II. REMARKS

Claims 1-17 were pending and were subject to a restriction requirement. Additionally, previous claims 1 and 8 were rejected. Claims 1-17 have been canceled by amendment herein, without prejudice or disclaimer. Thus, Applicants reserve the right to pursue the subject matter of these claims in a continuation or divisional application filed during the pendency of this application.

New claims 18 to 23 have been added and are directed to specific zinc finger proteins that bind to specific target subsites as set forth in Table 6 of the application as well as in the Sequence Listing. No new matter has been added as a result of this amendment and entry thereof is respectfully requested.

Restriction Requirement

Restriction as between Group I (claims 1-12, 14, 16) and Group II (claims 13, 15, and 17) was required. Applicants provisionally elect Group I. However, in view of the amendments herein canceling these claims, this restriction requirement has been rendered moot.

Information Disclosure Statement

Reference HK in the IDS was not considered because no date or place of publication was indicated on the Form 1449. Applicants note that HK is a sequence alignment and that the 1449 form indicates it was performed and printed in August, 2000 (i.e. the date of publication).

Response Filed October 20, 2000

Applicants apologize for any confusion caused by failure of previous representatives to indicate changes made to the claims in their preliminary amendment filed October 20, 2000. Applicants gratefully acknowledge the Examiner's underlining of "SEQ ID NOs:" to rectify this error.

Specification

The specification is objected to for improper priority application language. By amendment herein, the claim for priority in the application has been amended as required by the Office. Additionally, the serial number of the third-referenced priority application has been corrected, as indicated on the request for corrected filing receipt, filed on December 31, 2001.

35 U.S.C. 112, Second Paragraph

Claims 1 to 8 were rejected as allegedly indefinite as not being clear in being drawn to single zinc finger polypeptide or a polypeptide that comprises a zinc finger domain. The above amendments canceling claims 1 and 8 obviate the rejection.

35 U.S.C. 102(e)

Claims 1 and 8 were rejected as allegedly anticipated by U.S. Patent No. 6,140,081 (hereinafter "Barbas"). The cancellation of claims 1 and 8 by amendment herein obviates this rejection.

Further, with respect to new claims 18-23, Applicants submit that this reference is not relevant. Indeed, whereas Barbas is directed to zinc finger-nucleotide binding polypeptide having specificity for GNN nucleotides, the claimed zinc finger polypeptides exhibit binding specificity for non-GNN nucleotides.

III. CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe the claims are in condition for allowance and request early notification to that effect.

Respectfully submitted,

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Version Showing Changes Made to Specification

The paragraph beginning on page 1, line 6 has been amended as follows:

--The present application claims [priority the] the benefit of U.S. provisional applications 60/126,238 filed March 24, 1999, 60/126,239 filed March 24, 1999, [60/146,596] 60/146,595 filed July 30, 1999 and 60/146,615 filed July 30, 1999, all of which are hereby incorporated by reference in their entirety for all purposes.--

Version Showing Changes Made to Claims

1 to 17. Canceled.

18. (New) A zinc finger protein which binds to a target subsite, said zinc finger protein comprising the amino acid sequence RXDHXXQ (SEQ ID NO:4043) which binds to the target subsite comprising the nucleotide sequence AGG.

19. (New) A zinc finger protein which binds to a target subsite, said zinc finger protein comprising the amino acid sequence RXDAXXQ (SEQ ID NO:4044) which binds to the target subsite comprising the nucleotide sequence ATG.

20. (New) A zinc finger protein which binds to a target subsite, said zinc finger protein comprising the amino acid sequence RXDHXXE (SEQ ID NO:4045) which binds to the target subsite comprising the nucleotide sequence CGG.

21. (New) A zinc finger protein which binds to a target subsite, said zinc finger protein comprising the amino acid sequence RXDNXXT (SEQ ID NO:4041) which binds to the target subsite comprising the nucleotide sequence TAG.

22. (New) A zinc finger protein which binds to a target subsite, said zinc finger protein comprising the amino acid sequence RXDDXXK (SEQ ID NO:4026) which binds to the target subsite comprising the nucleotide sequence TCG.

23. (New) A zinc finger protein which binds to a target subsite, said zinc finger protein comprising the amino acid sequence TXDHXXS (SEQ ID NO:4042) which binds to the target subsite comprising the nucleotide sequence TGT.

Currently Pending Claim Set

1 to 17. Canceled.

18. (New) A zinc finger protein which binds to a target subsite, said zinc finger protein comprising the amino acid sequence RXDHXXQ (SEQ ID NO:4043) which binds to the target subsite comprising the nucleotide sequence AGG.

19. (New) A zinc finger protein which binds to a target subsite, said zinc finger protein comprising the amino acid sequence RXDAXXQ (SEQ ID NO:4044) which binds to the target subsite comprising the nucleotide sequence ATG.

20. (New) A zinc finger protein which binds to a target subsite, said zinc finger protein comprising the amino acid sequence RXDHXXE (SEQ ID NO:4045) which binds to the target subsite comprising the nucleotide sequence CGG.

21. (New) A zinc finger protein which binds to a target subsite, said zinc finger protein comprising the amino acid sequence RXDNXXT (SEQ ID NO:4041) which binds to the target subsite comprising the nucleotide sequence TAG.

22. (New) A zinc finger protein which binds to a target subsite, said zinc finger protein comprising the amino acid sequence RXDDXXK (SEQ ID NO:4026) which binds to the target subsite comprising the nucleotide sequence TCG.

23. (New) A zinc finger protein which binds to a target subsite, said zinc finger protein comprising the amino acid sequence TXDHXXS (SEQ ID NO:4042) which binds to the target subsite comprising the nucleotide sequence TGT.